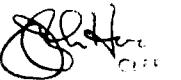


FILED

DEC 21 2015

UNITED STATES DISTRICT COURT



DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

JAMES IRVING DALE,

* CIV 14-4102

Plaintiff,

*

vs.

ORDER

CORY TYLER; ANDRA GATES;
MICHAEL JOE HANVEY;
MIKE DOYLE; TAMMY DeJONG;
KELLY TJEERDSMA;
MICHAEL MEYER;
REBECCA SCHIEFER;
GEORGE DEGLMAN;
UNKNOWN DEPARTMENT OF
CORRECTIONS MEDICAL STAFF;
UNKNOWN DEPARTMENT OF
CORRECTIONS STAFF; and
ROBERT DOOLEY;

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Defendants.

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Plaintiff James Irving Dale, an inmate at the South Dakota State Penitentiary, has filed a civil rights lawsuit pursuant to 42 U.S.C. § 1983. In that action Mr. Dale has now filed a Motion for Preliminary Injunction, Doc. 43, in which he states that several documents were taken by the Defendants, and he is asking the Court to order Defendants to return those items. The Magistrate Judge issued a Report and Recommendation, Doc. 46, recommending Mr. Dale's motion be denied. Plaintiff James Dale has filed objections to the Report and Recommendation. This Court concludes that Magistrate Judge Duffy did not confuse the various cases of Plaintiff Dale. In addition, the preliminary injunction is not being denied because of any inability to provide monetary security. After conducting a *de novo* review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED:

1. That the Report and Recommendation, Doc. 46, is ADOPTED by the Court and Plaintiff's Objections to the Report and Recommendation, Doc. 47, are DENIED.
2. That the Motion for Preliminary Injunction, Doc. 43, is DENIED.

Dated this 21st day of December, 2015.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY